



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,488	01/21/2004	Hiroyuki Suzuki	KAS-197	9791
<div>7590 08/22/2007 MATTINGLY, STANGER & MALUR, P.C. 1800 Diagonal Road, Suite 370 Alexandria, VA 22314</div>			<div>EXAMINER WRIGHT, PATRICIA KATHRYN</div> <div>ART UNIT 1743</div> <div>PAPER NUMBER</div>	
			<div>MAIL DATE 08/22/2007</div> <div>DELIVERY MODE PAPER</div>	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/760,488	SUZUKI ET AL.	
	Examiner	Art Unit	
	P. Kathryn Wright	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/2004; 11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a "sample supply unit" in claims 1 and 2, "mechanism for moving" in claims 4, 5 and 8 as described in the specification. Nor do the drawings show the "sample buffer...holding a plurality of sample racks ranged on a base to lie side by side substantially in one direction."
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show reference numbers which correspond to element in Figures 7 and 8 as described in the specification.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "31" at page 16; "32" and "33" at page 17; "34", "35", "36", "37" at page 20. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “sample supply unit” and “mechanism for moving”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mimura (US Patent No. 6,080,364), hereinafter “Mimura”.

Mimura teaches an automatic analyzer system comprising a plurality of analytical modules 3a-g for analyzing a living body sample. The analyzer system includes a conveyer unit 20, 25 for conveying sample racks 1 to the analytical module and conveying sample racks, for which sampling has completed, from the analytical module. Mimura teaches a plurality of buffers 22, 70 capable of holding a plurality of sample containers containing samples and supplying desired ones of the sample containers held on the sample buffer to the conveyer unit, and receiving the sample containers returned from the analytical module through the conveyer unit. The system also includes a sample supply unit 17 for supplying samples to the sample buffer, and a

sample collection unit 18 for collecting samples from the sample buffer (see col. 4, line 4- col. 10, line 55).

Regarding claim 3, the buffers 22 and 70 are disposed on opposite ends of conveyor units 20, 25 (see Fig. 1).

With respect to claims 4-6, Mimura teaches a conveyer unit which includes two conveyer lines 20, 25, which move in opposite directions (see col. 4, lines 35-48.) Each conveyer system includes a "mechanism for moving" (controller 40) which controls the conveyer line movement (see col. 5, lines 29-52).

Furthermore, the sample buffer 70 of Mimura has a structure (openings) for holding a plurality of sample racks substantially spokewise on a base (rotor) rotatable on an axis (see col. 4, lines 49+.)

Additionally, the sample buffer 22 of Mimura has a structure holding a plurality of the sample racks side-by-side substantially in one direction, wherein the buffer structure includes a mechanism for moving the base in a direction perpendicular to the direction in which the sample racks are arranged (claim 8), see Fig. 1.

7. Claims 1-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US Patent No. 6,290,907), hereinafter "Takahashi".

Takahashi teaches an automatic analyzer system comprising a plurality of analytical modules 3, 5-9 for analyzing a living body sample. The analyzer system includes a conveyer unit 1 for conveying sample racks 10 to the analytical module and conveying sample racks, for which sampling has completed, from the analytical module.

Art Unit: 1743

Takahashi teaches a plurality of buffers 2a,b, 14 capable of holding a plurality of sample containers containing samples and supplying desired ones of the sample containers held on the sample buffer to the conveyer unit, and receiving the sample containers returned from the analytical module through the conveyer unit. Takahashi also teaches a sample supply unit 50 for supplying samples to the sample buffer, and a sample collection unit 60 for collecting samples from the sample buffer (see col. 8, lines 37+).

Regarding claim 3, the buffers 2a, b and 14 are disposed on ends of conveyor units (see Fig. 1).

With respect to claims 4-6, Takahashi teaches a conveyer unit which includes two conveyer lines (a main transportation line and a feedback transportation line), see col. 4, lines 18-40.) Each conveyer system includes a "mechanism for moving" (controller) which controls the conveyer line movement (see col. 4, lines 33-40).

Furthermore, the sample buffer of Takahashi has a structure holding a plurality of the sample racks side-by-side substantially in one direction, wherein the buffer structure includes a mechanism for moving the base in a direction perpendicular to the direction in which the sample racks are arranged (claim 8), see Fig. 1.

Conclusion

8. No claims allowed.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure include: Devlin, Sr. et al. (US Patent no. 6,723,288), Hanawa et

Art Unit: 1743

al. (US Patent No. 6,117,392) and Wakatake (US Patent no. 5,380,488). Each of these references teaches automatic analyzer systems with buffer or stand-by units.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Kathryn Wright whose telephone number is 571-272-2374. The examiner can normally be reached on Monday thru Thursday, 9 AM to 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 19, 2007

pkw


Jill Warden
Supervisory Patent Examiner
Technology Center 1700